FILED
MAR 21 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Edgar Eduardo HERNANDEZ-Valenzuela, Defendant.	MAGISTRATE CASE NO.: '08 MJ 8256 COMPLAINT FOR VIOLATION OF 8, U.S.C., § 1324(a)(2)(B)(iii) Bringing in Aliens Without Presentation (Felony)

The undersigned complainant, being duly sworn, states:

That on March 20, 2008, within the Southern District of California, defendant Edgar Eduardo HERNANDEZ-Valenzuela, with the intent to violate immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, Maria Eusebia CORONA-Herrera, had not received prior official authorization to come to, enter and reside in the United States, did bring to and attempt to bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate Customs Border Protection Officer at the designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

This complaint is based on the attached Statement of Facts which is incorporated herein by reference.

Diana I. Contreras, CBP
Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF March 2008.

HON. PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Edgar Eduardo HERNANDEZ-Valenzuela

STATEMENT OF FACTS

The complainant states that this complaint is based upon the reports of the apprehending officer and the investigation conducted by U.S. Customs and Border Protection Enforcement Officer (CBP-EO) Diana I. Contreras.

On March 20, 2008, at approximately 6:27 P.M., subject identified by his lawfully issued Non-Immigrant Visa as Edgar Eduardo HERNANDEZ-Valenzuela, arrived at the Calexico, CA West Port of Entry as the driver of a Ford Probe.

During primary inspection, HERNANDEZ-Valenzuela gave a negative Customs declaration to Customs and Border Protection Officer Nancy Lepe. CBPO Lepe questioned HERNANDEZ-Valenzuela as to ownership of the vehicle. HERNANDEZ-Valenzuela stated his parents had just purchased the vehicle a few days prior and that he was going to Calexico, California to purchase shoes. CBPO Lepe queried HERNANDEZ-Valenzuela's document resulting in a reported lost or stolen document. CBPO Lepe queried the vehicle's license plate resulting in one prior crossing. CBPO Lepe opted to refer the vehicle to the vehicle secondary lot for further inspection.

In the vehicle secondary area, HERNANDEZ-Valenzuela gave two negative Customs declarations to CBPO J. Burgueño. CBPO Burgueño stated HERNANDEZ-Valenzuela claimed ownership of the vehicle and that his parents had purchased the vehicle a few days prior. CBPO Burgueño stated that HERNANDEZ-Valenzuela stated he was going to Calexico, California to purchase some tennis shoes and that no one else drives the vehicle but himself. CBPO Burgueño noticed a strong gasoline odor coming from the interior of the vehicle.

Customs and Border Protection Canine Officer (CEO) Craig Randolph screened the vehicle with his Human Narcotic Detection Dog resulting in a positive alert. CBPO Burgueño further inspected the vehicle and discovered one alien under the rear seat in a gas tank non-factory gas tank compartment. It was determined that said alien is a native and citizen of Mexico with no legal documents to enter into, reside or be employed in the United States. The undocumented alien was identified as Maria Eusebia CORONA-Herrera. CORONA-Herrera stated she felt short of breath and complained of pain to her left knee. CORONA-Herrera was rendered medical attention. CORONA-Herrera was transported to El Centro Regional Medical Center by ambulance where she was treated and released.

HERNANDEZ-Valenzuela was placed under arrest. HERNANDEZ-Valenzuela was advised of his rights per Miranda in the Spanish language. HERNANDEZ-Valenzuela acknowledged his rights.

Material Witness, Maria CORONA-Herrera stated that she is a citizen of Mexico and that she does not possess any documentation that would facilitate her lawful admission into the United States. CORONA-Herrera stated her friend "Alejandro" made the smuggling arrangements with an unknown individual. CORONA-Herrera stated she was taken from one house to another and put in the gas tank compartment under the rear seat of the vehicle. CORONA-Herrera stated she was going to get charged two weeks worth of work, which she was to get paid $500.00 U.S. dollars a week if she was successfully transported into the United States. CORONA-Herrera stated that she intended to travel to Calexico, California or Yuma, Arizona to establish an illegal residence and seek unlawful employment. CORONA-Herrera was shown a photo line-up and was not able to identify HERNANDEZ-Valenzuela as the person that put her in gas tank compartment or that was driving the vehicle.

Material Witness:

Name	Country of Birth
Maria Eusebia CORONA-Herrera	Mexico

Further, the complainant states that Maria Eusebia CORONA-Herrera is a citizen of a country other than the United States; that said alien has admitted that she is deportable; that her testimony is material, that it is impracticable to secure her attendance at the trial by subpoena; and she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.